

AMENDMENTS TO THE DRAWINGS

The Office Action objected to the drawings as having various structures not labeled with indicia indicative of their function. A replacement sheet including amended drawings is included with this Amendment. The replacement sheet is further addressed under the heading of remarks. Applicant respectfully requests that the Examiner withdraw the objection.

REMARKS

Claims 22-43 are pending. By this Amendment, no claims are cancelled, claims 22, 38 and 41 are amended and no new claims are added.

Objections to the Drawings

The Office Action objected to the drawings, indicating that elements 3, 11, 13, 14, 15 and H are not labeled with indicia indicative of their function. With this Amendment, Applicant files a corrected drawing sheet in which the elements labeled with reference numerals 3 and 14 are labeled in response to the objection. With regard to reference numerals 11, 13, 15 and H, Applicant respectfully submits that labels are not proper for these depicted structures. Element 11 is a symbolic representation of a lens, and thus is readily identifiable to one of ordinary skill in the art. Applicant respectfully takes the position that there is no reason under the rules that a label would be appropriate here. Reference numeral 15 is a symbolic representation of a detector, which is too small to have space for a label. Further, to Applicant's knowledge such symbolic representations of detectors are not normally labeled. The reference numeral H is applied to a fixater, which is shown schematically in the drawing greatly simplified and there is no room in the representation to provide a label here. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

35 U.S.C. 102

By this Amendment, Applicant has amended independent claims 22, 38 and 41. These amendments are made without prejudice, waiver or disclaimer. Applicant respectfully reserves the right to pursue the same or similar claims in future continuing applications.

For example, claim 22 has been amended to recite:

An adapter for coupling an object to be treated with a laser treatment device comprising a scanning device for scanning a laser beam, the adapter comprising:

an adapter input side, the adapter being fixateable relative to the laser treatment device via a locking mechanism;

the adapter being capable of transmitting the laser beam to the object along an adapter beam path, the laser beam having been supplied to the adapter input side and scanned over a region by the scanning device;

a reference structure, the reference structure being located in the adapter beam path such that the reference structure can be illuminated by laser radiation scanned by the scanning device across the region;

wherein a position of the reference structure is optically detectable from absorption or reflection of the laser radiation by the reference structure; and

wherein the adapter can be brought into contact with the object to position the object relative to the laser treatment device.

The amendments to the independent claims indicate that the laser radiation scanned by the scanning device across the scanning region illuminates the reference structure located in the adapter beam path such that the reference structure is optically detectable under such illumination. Thus, the present invention makes use of the scanning device to allow determination of the position of the reference structure and/or reading out of the encoded information by simply associating the intensity of the back scatter radiation with the actual scanning position of the laser beam. The position of the reference structures is then identified as the laser beam scanning coordinates at which a maximum or minimum of back scatter radiation is detected. Neither the Lai nor Juhasz reference disclose or suggest using scanned laser radiation as an illumination source to detect the position of a reference structure. At least these limitations of amended claims 22, 38 and 41 are not disclosed or suggested by either Lai or Juhasz. Accordingly, amended independent claims 22, 38 and 41 should be patentable.

Claims 23-37 depend from claim 22 and should be patentable for at least the same reasons as claim 22. Claims 39-40 depend from claim 38 and should be patentable for at least the same reasons as independent claim 38. Claims 42 and 43 depend from claim 41 and should be patentable for at least the same reasons as claim 41. Applicants respectfully request that the Examiner withdraw the rejection.

35 U.S.C. 103

The Office Action rejected claims 35, 36, 40, 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Lai or Juhasz et al. in combination with Swinger et al. and Grace et al. In addition to their dependency on patentable base claims, the above-referenced dependent claims should be patentable over the cited prior art for the following additional reasons.

The Office Action cites to Swinger et al., as teaching the desirability of providing applanator plates of differing configurations. The Office Action cites Grace et al., as showing that it is known to “encode the properties of these different plates thereon.” The disclosure of Grace, however, teaches the use of grooves provided at the circumference of a cylindrical part of a fiber optic connector. The configuration of the grooves is mechanically sensed to read out the encoded information. However, the Grace disclosure does not relate to the type of adapters used in surgery to which the claims are directed. There is a great deal of difference between couplers for fiber optics as disclosed by Grace and adapters for ophthalmic surgery. Accordingly, one of ordinary skill in the art would have had no reason to look to the Grace reference. Accordingly, a *prima facie* case of obviousness has not been established with regard to the dependent claims for at least this reason.

Further, based on the teachings of Grace, one would have been taught to provide mechanical grooves at the outside circumference of a contact glass to encode information that describes the optical properties of the contact glass. Grooves on the outside circumference of the contact glass would not be detectable by scanned laser radiation in

the scanning region because such grooves are located well outside the beam path of the adapter through which laser energy is scanned. Accordingly, even if the references were combined, the combination of Grace, Swinger and Lai or Juhasz would not lead to the presently claimed invention.

Further, both the Grace reference and the Swinger reference are silent with respect to the referenced structures having a dual function as claimed. That is, they teach nothing about the reference structures being used both for position detection and information encoding. Information encoded as disclosed by Grace has nothing to do with optical position detection. Thus, nothing in the cited prior art would motivate one of ordinary skill in the art to use reference structures located within the optical beam path which can be optically detected when irradiated with scanned laser radiation and which simultaneously encode information on the optical properties of the contact lens and served for a position detection. Accordingly, the combination of Lai, Juhasz, Grace and Swinger does not disclose or suggest all of the limitations as presently claimed and the present claims should be allowable over these references. Applicant respectfully requests that the Examiner withdraw the rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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